

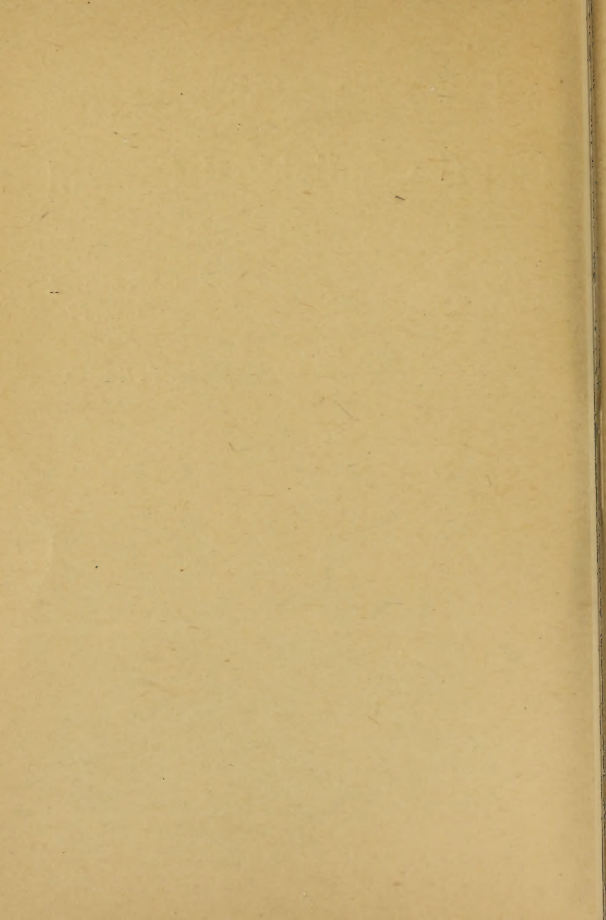
LITTLE BLUE BOOK NO. 843  
Edited by E. Haldeman-Julius

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IS MAN A "FREE AGENT" OR IS HE THE  
SLAVE OF HIS BIOLOGICAL EQUIPMENT?

A DEBATE BETWEEN

Clarence Darrow and Dr. Thomas V. Smith



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HALDEMAN-JULIUS PUBLICATIONS  
GIRARD, KANSAS

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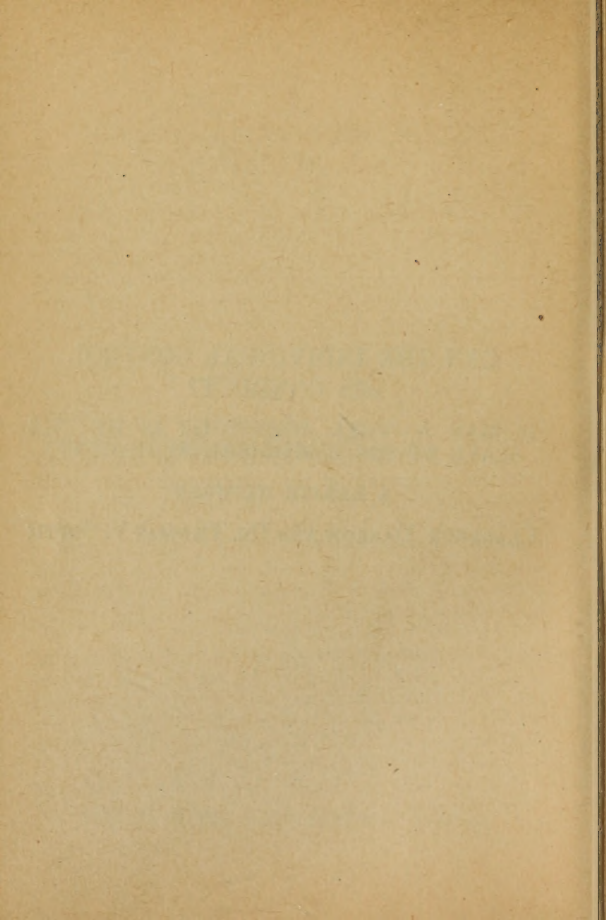
PRINTED IN THE UNITED STATES OF AMERICA

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## CAN THE INDIVIDUAL CONTROL HIS CONDUCT?

The Chairman: Can the Individual Control His Conduct? The affirmative will be sustained by Dr. Thomas V. Smith, Professor of Philosophy, Dean in the Colleges of Arts and Sciences in the University of Chicago, and also associate editor of the International Journal of Ethics.

### OPENING ADDRESS OF DOCTOR SMITH

MR. SMITH: Mr Chairman, Mr. Darrow, Ladies and Gentlemen. It is highly complimentary to Mr. Darrow, one of the first citizens of Chicago, and highly gratifying to me, to see this theater groaning this afternoon under such a precious burden of human freight. Though I know Mr. Darrow would draw an audience even were he advertised for nothing except pantomime, I nevertheless, feel that I may claim in some small measure for philosophy joint honors upon this occasion.

Men are interested today, as men have always been interested, in these large questions that deal with the nature of human individuality, with the limitations under which we live, with the questions of human destiny. And we well know that no cause is too specific, no case at law is too small, for Mr. Darrow to put the universe itself on trial in the course of his professional duties. Indeed, I think it is obviously Mr. Darrow's preoccupation with his larger



type of question—with the relationship of the individual to his world—that has sent his name around the earth. And, certainly, it was his interest in such questions as this, that long ago, before I left the age of adolescence, had brought tidings to me of this great criminal lawyer. I well remember that many a hot afternoon between unending rows of glistening white cotton, below what someone has recently called the “Smith and Wesson” line, I lessened the monotony of cotton picking by reciting to myself excerpts from some of Mr. Darrow’s early eloquence. It is such thoughts that have made him an inspiration for, I dare say, hundreds of thousands of boys and girls in America. I feel myself sympathetic now, as I felt myself intrigued then, with the general point of view which Mr. Darrow so often emphasizes.

In preparation for this debate, I have recently had the very great pleasure and satisfaction of reading or re-reading most of Mr. Darrow’s published work; and I must say how heartily I have enjoyed it. His novel—*Farmington*—is a most delicately and artistically done idyll of American small town life. I enjoyed the novel more than anything else I read because Mr. Darrow writes fiction as though it were truth; and, as you shall soon see, he sometimes deals with truth as though it were fiction.

I have said that I have sympathy with Mr. Darrow’s point of view. At its best life is hard; at its worst it is hell. For all of us some of the time, and for some of us all of the time,



the world is too much. There is no single iota of human energy expended that is not caught up by enveloping energies not our own and either hurried on to larger eventuations than we had meant or thrown back into our faces by natural counterblasts indifferent to our hopes. All of us know this. We constantly outbuild our knowledge; we outtalk our information. We sometimes dawdle into damnation, we sometimes blunder into bliss. In short, we live in a world in which, as Mr. Darrow has so often emphasized, we stand like piteous pigmies against the huge push of colossal power.

Now, this philosophy is of course not original with Mr. Darrow. Far from it. He himself would be the last to claim that. When men first came, in ancient Greece, into full possession of their powers, they went about awed by their world. A moment's time spent in orienting ourselves historically would not be wasted.

In that tragic drama of Sophocles—*Oedipus Rex*—one gets a fine classic statement of what fatalism—Mr. Darrow names his philosophy such—meant to the Grecian mind. There is born into a royal Grecian family a son, who, so said the oracle before his birth, was destined to kill his own father and marry his mother. In order to prevent these two hideous crimes, parricide and incest, the father decides to kill the child and orders him exposed on the mountainside. But the servant to whom the mournful task was entrusted thinks to combine mercy and obedience by giving the baby to certain ones who will take him to a far country to be reared. In the far country he is adopted as a

royal son and grows up in ignorance of his real parentage. Once grown he too learns the declaration of the oracle that he is fated to kill his father and marry his mother. Feeling that his foster parents are his real parents, the boy runs away from home in order to avoid the infamy; and, as fate would have it, runs back to his own land, meets the king, a stranger to him, kills his own father, goes up to the capital and, finding there a woman, who, though older than he, is a beautiful queen, marries her, has children by her—only to discover at last, in the merciless unfolding of fate, that he has done all that was to be done by him, though all men concerned had struggled to prevent the outcome.

Here is a touching picture of what fate has meant and what fatalism, as a philosophy, has meant in one form. The form in which we ourselves are more acquainted with fatalism as a philosophy, however, is in the type of Christian theology called Calvinism—specifically, the doctrine that God, the complete sovereign of the universe, arranged this whole cosmic scheme, including man's part in it, long before man was created, unconditionally ordaining a certain number to eternal bliss and the remainder to eternal damnation. A stage driver in the West of this persuasion once told me that he was among those who believed that what God had foreordained would happen whether it ever came to pass or not.

Mr. Darrow's type of fatalism is not exactly like either of these—the Greek or the Christian.

And yet it has points of kinship with both. Mr. Darrow, being himself a good man, cannot with the Calvinists implicate God in infamy, because he believes that if there is a god, God must be at least as good as civilized men. And, being a wise man, Mr. Darrow cannot return to Greek Mythologies. But he does agree with both in holding man somehow the victim of the cosmos—not of an overshadowing force outside our world, whether personal or impersonal, but the victim of heredity, pressing us from within, and of environment, pressing us from without. This is, as it were, a “home” type of fatalism, for in it we live and move and have our very being. Mr. Darrow’s emphasis makes his philosophy sound more scientific for a scientific age and it certainly makes it also more defensible. But the large outcome of all three types of fatalism is to belittle man and to inhibit human effort. Goethe in *Faust* gives classic expression to this view of men when he has Mephistopheles appear before God in heaven and give this account of man in the world below:

The little god o’ the world sticks to the same old  
 way,  
 And is as whimsical as on Creation’s day.  
 Life somewhat better might content him,  
 But for the gleam of heavenly light which Thou  
 hast lent him:  
 He calls it Reason—thence his power’s increased,  
 To be far beastlier than any beast.  
 Saving Thy Gracious Presence, he to me  
 A long-legged grasshopper appears to be,  
 That springing flies, and flying springs,  
 And in the grass the same old ditty sings!

I have always felt that fatalism has as a natural corollary a fine sense of humor. Have not the world's great fatalists been great humorists? Mr. Darrow is certainly both. They must laugh at themselves in order not to die of inconsistency. In low gear they talk like the rest of us; but in high gear they constantly contradict both their talk and their conduct. To see how true this is you need only watch Mr. Darrow as he speaks this afternoon.

Must not old Jonathan Edwards himself have smiled when he was alone in his closet with his God to think how he told people that, on one hand, they could do nothing until God touched them with his irresistible grace and that, on the other hand, they would be damned in hell—hell was hot in those days—if they did not do a lot and do it mighty quick? The humorous paradox of the whole position is well put in the story of the Calvinist missionary who was reproached by his wife for carrying firearms in his saddlebag as he rode his circuit. "You know," said she, "that the Indians cannot get you unless your time has come." "But," retorted he, "suppose I should meet an Indian whose time had come?"

Mr. Darrow, himself, shows something of this philosophic inconsistency. I have read his book called *Crime: Its Cause and Treatment*. To know that a practicing criminal lawyer could and would write such a book gave me new hope of the eventual humanizing of law and legal methods. But if you read that

book you will find that Mr. Darrow opens with the general sentiment that we are not different from criminals. Criminals cannot help being criminals, and we cannot help being what we are. But he does not close the book until, in as fine form as I have ever seen in the idealistic literature of my race, he points out to us that we ought to abolish capital punishment; that we ought to revise our conception of property and reform the laws governing property so that there will not be so many criminals; and that we ought so to individualize punishment as really to make it curative treatment for the unfortunate rather than an emotional splurge for our own satisfaction.

Now, what an inconsistency! We cannot do anything about it; and yet, for Heaven's sake, fellows, get your shoulders to the wheel and let us improve this world! Omar Khayyam got it pretty well—he was a fatalist of the literary type—when he said:

Ah, Love! could you and I with Fate conspire  
To grasp this sorry Scheme of Things entire,  
Would not we shatter it to bits—and then,  
Remould it nearer to the Heart's Desire

But I am not prepared to emphasize too much Mr. Darrow's inconsistencies when I see him on every hand use them to make life more humane. For after all life is more important than logic. There is another reason I do not want to emphasize too much these inconsistencies, because I well know how difficult, not to say impossible, it is to be entirely consistent on this question whichever side you take! You

need not fear my inconsistencies, however; for if I do perpetrate an inconsistency Mr. Darrow is sure to catch it up on me before the debate is over.

The only point I care now to make regarding the inconsistency of fatalism is that an intellectual fatalist must be something of a humorist to keep from being logically driven to suicide. This humorous statement of fatalistic philosophy was published overseas during the war to comfort aviators:

When you are in the air, you will either be flying straight or turning over. If you are flying straight, there is no cause to worry. If you are turning over, one of two things is true. You will either right the plane or fall. If you right the plane, there is no cause to worry. If you fall, one of two things is certain. You will either be injured slightly or injured seriously. If you are injured slightly, there is no cause to worry. If you are injured seriously, one of two things will happen. You will either die or recover. If you recover, there is no cause to worry; and if you die, you can't.

Mr. Darrow himself is a humorist, and I hope you will take some of the things he says this afternoon as humor rather than as fact. Seldom have I seen either in fiction or in writing purporting to be facts, a keener, finer, or more delightful sense of humor than in his books. And if he lives up to his reputation this afternoon, we have keen entertainment before us. But let us come to the question.

Can the individual control his conduct? In spite of my sympathy with Mr. Darrow's emphasis upon the universe I am willing to affirm that the individual can control his conduct.



Mr. Darrow is willing to deny that he can control his conduct. One of my students openly advised me this week in our college paper to bring brass knuckles down here this afternoon because, said he, Mr. Darrow didn't believe the individual could control his conduct, and that evidently he meant to prove it!

Ladies and gentlemen, I have no brass knuckles and I put Mr. Darrow on his good behavior during this debate. No one could believe this genial weather-beaten man who rushes hither and thither, with or without pay, wherever men are in trouble, to defend the cause of the under dog, will fail to control himself. Beholding Mr. Darrow's conduct, I have sometimes wished that if it grows out of a lack of control, more men in the world were unable to control themselves. But of course Mr. Darrow's life refutes rather than illustrates his philosophy.

Mr. Darrow and I are sufficiently agreed upon the meanings of these several terms so that I need not take time for definitions. If definitions become needed, we can give them when the need arises.

Mr. Darrow admits that there is such a thing as control in that some parts of our physical environment control other parts of our physical environment. Mr. Darrow writes much in his book concerning social control. He admits that society can, always does, and in some measure ought to control the individual's conduct. Mr. Darrow also, apparently, is not reluctant to admit that one individual can con-



trol, up to a point at least, the conduct of another individual.

Now, starting with these admitted cases of control, I affirm that the individual can control his own conduct in precisely the same way that society controls his conduct and that he controls other people's conduct. Take Mr. Darrow himself as an example. All the world knows that Mr. Darrow can take almost any jury, at least any jury that he is willing to try a case before, and cause them to give, at the end of the case, the kind of a verdict which he wants given. That is influence; that is genuine control.

Now, how does Mr. Darrow do it? The way in which he does it I mean to affirm, ladies and gentlemen, if applied, can lead to the control of any individual by himself. If I were explaining this to you alone, ladies and gentlemen, I should say in general that the individual controls his conduct by thinking, by being intelligent. I mean by taking account of what he wants to do and by doing the sort of thing the consequences of which he likes. I should emphasize as the chief factor in human control intelligence in all its forms—in-sight, hind-sight, foresight. But I am not on this occasion accountable to you; but to Mr. Darrow.

Now, Mr. Darrow is not only a fatalist but a mechanist also. Then I must for his sake inquire what sort of mechanism man has for self-control. Let us not talk of free will. Let us not even talk of the spiritual nature of

man. Let us not talk too much in terms of thinking or intelligence because machines do not think. You would understand me even if I talked in such terms; but Mr. Darrow would not, for Mr. Darrow is a mechanist. We must show him a mechanism for self-control. Let us inquire what sort of mechanism it is by which Mr. Darrow controls his jurors? I should say that he controls them by the mechanism of speech by talking to them, by an endless flow of chatter. But *you* will say that Mr. Darrow has thought out his case before, that he is not only familiar with the case but also equipped with a well-thought-out philosophy of life which, when introduced at the proper time to the tired juror's mind, would make him willing to acquit the defendant of murder because it makes him willing to commit murder himself—almost! But Mr. Darrow influences his jurors by talking to them; and, frankly, that is the way we control one another. I come to you on a mission, I state my case to you. You say, from your point of view, "That is correct. That sounds reasonable. I will do that." Talk is the outstanding instrument through which we control one another's conduct, simply talking to each other. Both Mr. Darrow and I live by the sweat of our mouths. It is talk that makes the world go round.

Now, it happens that the same mechanism whereby we control other people's conduct we can use upon ourselves. We can talk to ourselves. Nature has built us curiously. It has given us not only a mouth, but ears also. My ears hear what my mouth says; and to argue

that my talk does not influence me as much as it does you, seems to say that I am more stupid than you. You know why I cannot admit such argument.

A friend of mine heard his little four-year old in a room talking to himself, and, looking through the keyhole, saw the child playing upon an imaginary piano. After each exertion, the child would say, "Do it again, do it again." All of us have seen children ordering themselves about, telling themselves what to do or what not to do, and then going ahead accordingly. Later on we cease talking out loud to ourselves, just as we reduce loud reading first to our lips and then to our larynx. We begin life as children talking to ourselves, ordering ourselves about. Later we internalize this talk. Mr. Darrow says to himself: "I will go to Detroit on another errand of mercy to defend that unfortunate Negro physician." Mr. Darrow will be there on time. There is not much difference after all in the way I am explaining this matter of self-control to you and the way I explain it to Mr. Darrow. To you I say, "As a man thinketh in his heart so is he." To Mr. Darrow I say, "As a man talketh to himself so acteth he." It may be of course that John B. Watson, the behaviorist psychologist, is right in teaching us that thinking is nothing but talking to oneself—sub-vocal articulation. But even if he be wrong, I can put my argument on Mr. Darrow's own ground and yet make out my case. We have in talking a veritable mechanism whereby we can control ourselves if we can control others. And Mr.

Darrow both admits and proves that we can control others.

Here is my case, then, regarding control. If society can control the individual's conduct, and if one individual can control another's conduct, they do it chiefly through the use of human speech. But one can use speech upon himself: and so if he can control others, he can control himself. That is not only logic but plain common sense. That is the actual way we do cause our conduct to be different from what it otherwise would be. If I thought I needed to emphasize this argument, why I should go on to point out more specifically how it is that this mechanism of talk produces results. Experimental evidence is available from psychological laboratories. I think I can show pretty conclusively, if it needs to be shown, how it happens that what Mr. Darrow will tell you is an external stimulus and which he admits controls conduct actually gets so inside us that we can with a mere word stimulate ourselves to the type of response that originally would have required external stimulation. Mr. Darrow himself illustrates this perfectly. He has so often told himself that the world is bad and life not worth living that he thus keeps himself happy whatever happens. He has actually written this secret into one of his books: teach yourself to expect little and you can be happy with what little comes to you. You see that Mr. Darrow's whole philosophy is a mechanism that he consciously uses to control not only juries but himself also.

You have, therefore, my argument for self-

control. But since a college professor never knows what to expect from a lawyer, especially from a criminal lawyer, I want to buttress my case with no more thought. Suppose Mr. Darrow admits all this I have been saying, but asks me, Where do you get these words? Don't you get them from your environment when you are young and growing up? I would reply, Surely, surely. I should not try to deny such a reasonable statement, even from a lawyer. But, ladies and gentlemen, the fact that speech is the effect of cause does not prove that it is not also the cause of effects. To be the son of your father does not keep you from being at the same time father of a son. Mr. Darrow of all men cannot argue against this: for if a given event—such as talking to oneself—cannot be actual cause of results in spite of its having been caused by other things, then there are no real causes, for Mr. Darrow denies a First Cause, i. e., an uncaused cause. Since, then, according to Mr. Darrow himself, every cause is caused, he cannot argue that because speech and thought spring out of heredity and environment they are not therefore real causes of conduct. If they are not real causes of conduct, then heredity and environment are not real causes of them.

Since I have now made out my case according to the statement of the proposition for debate, I may take the rest of my time to defend the real case that lies back of this proposition. Mr. Darrow and I both know that in spite of the specific statement of the question, what we are actually debating this afternoon

are the larger questions of human freedom and responsibility. Is man a victim of, or a participator in, his environment? Mr. Darrow's fatalistic philosophy makes man a victim. I maintain, on the other side, the efficacy of human effort even in such a world as this.

My conception of freedom is simple. We sometimes get, and sometimes do, what we want; sometimes we neither get nor do what we want. It is this matter of desire that makes all the difference. We feel free as long as we can do what we wish, and we feel either constrained or restrained when we cannot follow our desires. Since, then, the very notion of freedom rises from thwarted desires, let us simply say that freedom means the ability to do what one wants to do in the light of the consequences of so doing.

But some metaphysical mind will ask at once whether one is free to want otherwise. I reply that he is if he *wants* to want otherwise. But can he want otherwise, persists the objector. Yes, if he *wants* to want to want otherwise. The moral of this is that however far back you push the inquiry, the last term will be a human want. Since one must begin with wants, why not do it frankly and gladly? Neither Mr. Darrow nor I believe in free will, because we both know that there is no will back of wants. Will is a name men long ago gave to the strongest wants, and later forgot what they had named.

I do not, therefore, depend upon free will to make out a case for freedom, neither do I talk



of the spiritual nature of man. Man is a creature of wants and wishes, and when he can follow these he is free. But another type of mind is sure to say that, if this be freedom, none of us are free. None of us, indeed, are wholly free, for none of us can do everything that we want to do. But some of us are much freer than others. One virtue of this conception of freedom I am proclaiming is that it makes freedom not a gift but an attainment.

Now with this conception, there are various stages of freedom. A man is free who gets drunk because he wants to get drunk. But this freedom does not reach far, for in doing one thing he wants to do, he makes it impossible to do many other things he wants to do. It is obvious that much freer than the drunkard is the man who has so harmonized his desires that he can satisfy any one without making impossible thereby the satisfaction of other desires. President Lowell at Harvard used to call students' attention to this point by advising them to do not what they wanted to do but what twenty years later they would want to have done. If I have so organized my desires that in following one I please my whole nature today and open up further possibilities of satisfaction tomorrow, then I am a long way on the highway to freedom. My journey on this highway is completed when I have so socialized my wants as to want to do what others want me to do. He who in doing what he wants to do can help others do what they want to do will in turn be further helped by them to do what he wants to do. That is, real



freedom demands sense enough to get our own desires harmonized and sympathy enough to further the needs of others in doing it. Lacking the one, we sell ourselves into bondage; lacking the other, society limits our freedom by snubbing us or fining us or imprisoning us or hanging us.

The conception of freedom discloses what are the real enemies of human freedom. They are ill health, poverty, ignorance, and selfishness: ill health injures our freedom by souring our normal wants; poverty ruins our chance at any large freedom because without money we cannot carry our plans into execution; ignorance commits us blindly to wants whose consequences later not only neutralize the satisfaction but defeat all other potential satisfactions, and selfishness causes us to overlook the joys of others as a necessary element in our own fullness of life.

This is no new conception of freedom. That the satisfaction of their wants is the real freedom that men have always sought can be indicated by the example of those who have most denied it. People who have said that "spiritual freedom," freedom of the "will," was dearer than economic and intellectual opportunities have always proceeded to use such so-called freedom to get them to heaven where *all their desires could be really and finally satisfied*. If satisfaction is what constitutes the glory of heaven, then satisfaction also constitutes the joy of earth. The tragedy of such misconceptions of freedom is that they have ignorant and poor men filling the coffers of

others with the wisdom and the wealth and the health that by all needs and rights were really their own. The man who has healthy wants, money enough to satisfy them, and education and sympathy enough to see in the light of distant consequences which wants he really prefers—that man, and he alone, is free.

This, then, is my conception of freedom; and I am willing to affirm that freedom so defined is, sometimes actually, always potentially, within human reach. How does this notion of freedom link up with the earlier affirmation of self-control? Control itself implies the bending of some process to some given end. We say that we control nature when we turn some of her vast energy to serve human needs, to satisfy human wants. We say that we control ourselves when we bend some of our desires into emotional channels that promise us and others more satisfaction in the long run. This control which is freedom we achieve—as you know, by thinking; as Mr. Darrow knows, by talking to ourselves.

This brings me to a concluding word regarding responsibility. If the individual is free and can control his conduct, what keeps him from being responsible? I do not feel nearly so certain of my ground here as in my other two affirmations: but I shall present my best thought before Mr. Darrow speaks and trust that he will set me right if I go too far astray in discussing a conception that belongs more to his field of law than to my field of philosophy.

I hold that men are responsible for their con-

duct, and I shall proceed as best I can to indicate what I mean. Responsibility has two primary meanings. In the first place, to be responsible means to be liable, to be answerable for conduct. This is purely the legal sense of the term: and in this sense it is of course true that every normal man is responsible. The very fact that society makes him answer for his conduct, by definition constitutes him responsible. That is the lawyer's way of looking at the matter and of settling it: but Mr. Darrow and I both wish to probe deeper than that. The second meaning emphasized by the dictionary connects the notion of being responsible with the notion of being responsive. When we say of a certain person that he is a responsible man, it is clear that we mean not only that he can and will pay damages for injuries done but also that in any situation he is likely to see all the elements involved and to respond to them all in making up his mind what to do. If he is responsive to all elements, especially to the rights of others, we call him a responsible man. If a man fails to see a child in the road because he is so intent upon the excitement of speeding, under what conditions do we say he is responsible for the death of the child? If he can be proved an escaped lunatic, we say he is not responsible. Why not? Primarily because he could not have been made responsive to the situation even if someone had pointed it out to him in advance, and nothing we can do to him now would make him any more responsive the next time. This seems to indicate that we can justly hold a man responsible when he

is capable of becoming responsive to what heretofore he overlooked. A man, then, is responsible for any past offense when any treatment we can give him now will prevent his doing the same thing next time.

Regardless, then, of whether a man could have done otherwise than the way he did do, he is responsible (that is, it is just for us to hold him liable) if we can now do something to him that will cause him to do better next time. In short, responsibility means the ability to improve by treatment. It gets its meaning from the forward rather than from the backward, look. I agree with Mr. Darrow that it is unworthy a civilized man to use the doctrine of responsibility to justify retributive punishment. Our very definition of responsibility as ability to respond to treatment indicates that it is the duty of civilized men to quit punishing blindly long enough to find out what treatment will enable men to become more generously responsive to the rights of others in every situation. Our holding a man responsible must be justified, if at all, by our actually making him more responsive. Our practice must be justified by its fruits, not by its roots.

May I illustrate the social utility of this conception of responsibility from my experience as dean in the University of Chicago? A year ago there came into my office a student who had been giving some trouble. I remonstrated with him regarding his conduct. He defended himself thus: "I am not responsible for what I have done. I am a determinist, and I know that I could not have done otherwise." "Well,"

I replied, "what you say may be true. Indeed, I am a determinist myself. And precisely because I know that human conduct can be determined I am going to do something to you now that will enable you to do differently next time." When I told him the treatment decided upon, he left school. A few days ago he returned, reminded me of the talk we had had when he left school, and said that he had come back now quite able to act otherwise. He asked for a letter of honorable dismissal in order to go to another university where he could start over under new circumstances. I gave him the letter. That the boy was responsible is proved by the fact that he did respond to treatment; my holding him liable led to his holding himself liable.

Ladies and gentlemen, I feel rather confident that I have made out my case for self-control by pointing out even to a mechanist a mechanism whereby he can, and does, control himself. As regards the larger values involved in this debate, I have declared myself as best I could upon the questions of freedom and responsibility. I have defined the concepts in the senses in which I could affirm them, and have reasons for thinking that my definitions are justified, and then have affirmed freedom and responsibility with whatever confidence my partial knowledge made possible. In a word, men are responsible insofar as they can enlarge their freedom through self-control.

#### MR. CLARENCE DARROW IN REPLY

Mr. Darrow: I am sure that this audience

will thank me for helping to present the scholarly and lovable man who has recently come to Chicago and has taken part in this debate. I never heard him speak before, but I have heard of him, and he has fulfilled all my expectations; not to my regret, because I am very glad that I have had the chance to hear him and that you have had the chance to hear him. I fancy he is like myself about this question; he does not take it as a matter of life or death with himself or with anybody else.

I am thoroughly open minded myself. I am willing to be convinced, but not likely to be. I have really greatly enjoyed his talk. If I had time to think it over I might be able to figure out exactly wherein we disagree. So, I will proceed to talk about free will and determinism and mechanism just as if I had not heard him. Then, after we get through we can decide whether we agree or disagree. I am sure that very few of you have listened to a teacher of philosophy with as much interest as you have listened to Dr. Smith. I scarcely knew the time was passing and I think I understood some of it, which is saying a good deal for philosophy and for me.

As nearly as I can follow the drift of the argument of Dr. Smith he believes that a man can choose to do what he wants to do when he wants to do the thing he chooses; at least, it comes pretty near to that. I am inclined to think he is right. I very seldom do anything that I do not want to, because I have found out pretty well that there are a lot of things I can not do and so I do not want to do them. If one



gets that mental attitude he is not apt to be disappointed by wanting the moon, or even wanting to be president, or some other useless thing. The one way I have found effective in this world in having my way is not to want a whole lot of things. That seems to me to be my friend's idea.

Dr. Smith says we have no will for a thing unless we desire that thing, or practically that. The desire comes first before the will to do it. I think he is right.

Then the question is, where does the desire come from? How much has a man to do with his own desire? I would assume he had nothing to do with it. Dr. Smith gave us a few illustrations about how men act and he spoke of me as winning cases with juries, which I sometimes do, and sometimes do not. There are always stupid juries. He says I talk to them. I do. I can lose a good many cases that way. But, he says, I convince, and reason that my side is right. No, Dr. Smith is not a good psychologist. I never try to convince anybody of anything by reason; I know that nobody acts in any important thing through his reason. I know that the decisions that make for life or death in this world are not arrived at by reason.

Dr. Smith has said there may be something due to the selection of jurors. There is a lot. Does any lawyer select a man because he is intelligent? No intelligent lawyer does. Does he select a juror because he is unintelligent? No. No intelligent lawyer does that. And, I most always find that, if I am on one side selecting a jury, the fellow on the other side



wants the jurors that I excuse. He wants one kind and I want another; and intelligence has little if anything, to do with it. If I am an attorney for the defendant—which I am if I am in a criminal case—I do not inquire whether a juror is intelligent. I want to know what kind of a machine he has. I want to know whether he is imaginative, whether he is idealistic, whether he is so made originally or so shaped by experience that he can put himself in another man's place. If he is intelligent, so much the better. There are emotional men and there are unemotional men who are intelligent. There are ignorant men who are sympathetic and kindly, and there are ignorant men who are stolid and cold. Why should I want that sort of a juror? Because I know that when you get down to the final conduct of men they act from feeling; they find reasons for doing the thing they want to do; and that applies just the same to intelligence as to ignorance and a little more so, because, as a rule, the intelligent man has the most sensitive nervous system. The imaginative man puts himself in the other fellow's place. Unless you can get him to do that he does nothing for you. I think my friend would agree with me that the conduct of individuals in most of the important things of life is not directed by reason and judgment but is controlled by the emotional part of life. I think everybody agrees with that nowadays.

Dr. Smith says that he has run across the statement somewhere from something I have said or done—you can run across all kinds of "fool" statements if you read all my stuff, and,

I hope, some intelligent ones; this was an intelligent one—that, while a man could not influence himself, he could influence someone else. Is that true or is it not? What have any of us to do with the making of our views of life? Something I may say might influence you people. It might not. It might influence a number of you and not the rest of you. It might influence some of you to accept the views I hold. It might influence some of you to accept the views Dr. Smith holds if you can tell what they are. You might have come in here believing you had free will and go out believing you had not.

Now, why? In case the debate changes you, then if you had not met either of us your present opinions on the subject would have remained entirely different. If you had gone away from this meeting, they would have been different. If I believe, as John Calvin believed, that up there somewhere is a Being that figured out each one of our lives, then I would say: "The Lord knew you were going to attend this meeting." He looked down through the ages and foresaw that you would be here, and that being here would affect your opinion and send you to heaven or hell, as the case might be, and that is the reason that God could make so close a guess as to where you are to go. You may have come here just because some fellow on the street asked you to, or because you had no other place to go, which is a very good reason, or because you read Dr. Smith's name or mine casually somewhere. But, the whole thing was the result of endless sequences—and a being

that could foresee it all and arrange it all knew that it would happen?

Now, of course, as Dr. Smith has said, my view of this subject is not the Calvinistic one. My friend falls into a slight error. I do not disbelieve in a first cause. I don't know anything about it. I have got one of those limited minds, if any, that cannot get so far back. So, whether there is a first cause or whether there is any such thing as a first cause, I have no opinion. I know there are circumstances and facts and events that operate as causes for each individual's conduct.

As we understand cause and effect, the first thing we need to take account of is what is a man, anyhow. He is an organism with a plain origin. We know when he was born and when his life started and how long before his birth. We know what has entered into it. We know he has a certain strength and a certain weakness of the physical body. We know that he has a certain nervous system and that no two men are exactly alike. We know he has a certain size and sort of brain and no two brains are alike. We know that he had nothing whatever to do with this to start with.

There are very few advocates of the doctrine of free will who think a man is responsible for what happened before he was born. Dr. Smith is not one of them; neither is he an advocate of free will, as I am very glad to learn. But, what is going to happen to an individual at least is partly due to the kind of machine he has. If his nervous system is not too sensitive

and he is not too imaginative and sympathetic, he is liable to have some money left when he dies; if he is stolid, he has good judgment; so I am informed by the people who have money. If he has no imagination that puts himself in the place of other people, then he will not worry much about the world. It is unfortunate for the world—because it does it a lot of good to worry over it!

All of this, so far, is the result of the human machine, and there are no two alike, and up to that point certainly nobody is responsible; that is, the individual machine is not responsible. Other things happen after that. For the first part of his life he gets ideas and views of conduct from those about him; these enter into his machine and affect his machine, and how he develops these views is due to the machine's construction. Some are affected more and some less. Before the child has any chance to choose his teachers he has a mind pretty well set on all the ideas that he calls right and wrong. Sometimes he is shaken out of what he has his mind set upon and comes to a point where he feels called upon to judge questions; where he feels the necessity of action, and where he must do one thing or another. We will say he comes to a cross-roads in life. The question may come about in this way: on Sunday, which is the Sabbath day, here is a movie picture on this side of the street, and here is a church on the other. Which shall he go into? I do not imagine that Dr. Smith would go into either; he might take to the woods! I do not know which any one of you would go into. I do know

this: That in deciding that problem, each individual decides it according to the equipment he has when he makes the decision. He cannot decide it any other way. He decides it according to his machine. He may have a sensitive nervous system that would lend itself to pleasure; he may not. He decides according to his machine and according to what he has gathered in life, as he came along. If he believes in hell he would probably stay out of the movie because if he stayed out he could go to heaven and see better movies for less money. If he were doubtful about that, he would be the more apt to go. If he has a structure that calls for certain kinds of entertainment, and has enjoyed experiences that added to it, he would probably go to the theater. Two people might come along together; as they often do. One of them will go to church and the other will go to a theater. I have seen those things happen myself. I have seen people on their way to church when there was a theater nearby. What is the reason for the different action? It is a matter of judgment. How many infinite things determine what place you will go? Can any human being figure them out?

Suppose you stop at the outset to determine, then, what do you do? You bring up in your mind the reasons for going to church, if any. You marshal on the other side the reasons for going to the theater, and whichever are the stronger you follow. You do not go according to the weaker. You can not do it. And which are the strongest reasons to one person are

not the strongest to another person. That all depends, first, upon the kind of equipment one has and, secondly, upon the expression one has had in life.

I have said in picking a jury that the lawyer who is liable to take the side I take wants an imaginative person. From where does he get that idea? First, from his structure. But, that is not the only place. He can get it from the experiences he has had in life. Everything one meets and everything one feels enter into one's being, and whenever one makes a judgment one makes it in view of everything that has gone before. I have seen many a hard, unimaginative, cruel person, who when caught in what I will call the web of fate, has gotten into trouble. Almost universally, it has made him more kindly and sympathetic to others in trouble. He finds out how easy it is to get into trouble. Nobody is able to untangle all the threads with all their ramifications which ultimately lead or pull one here and there.

Nobody is the same at twenty as at ten. He may be worse; he may be better; he may be more emotional or less emotional. One is not the same at thirty as at twenty. One is not the same at fifty or sixty as at thirty. What difference is there? There are two kinds of differences or two that I can think of. First, the physical structure is not the same. The things that would attract one, the strong emotions that would lead one to love or to hate or to fear, may be deadened and modified. And, next, one's experiences in life have affected his



outlook on life. When one has run against a lot of things he looks out for them again. When he approaches that same kind of a thing again he approaches it not only with the machine but with the experiences that have gone into the machine. Life has made us what we were as we started; it has constantly shaped and re-shaped us over and over again, and when we approach a certain thing and seek a conclusion we approach it with our full equipment, whether it was with us at birth or has come to us through the countless experiences that most of us have met. I cannot see how it is possible for most of us to make conclusions without throwing into the scales the things that weigh for one side against the things that weigh for the other and then determine which side is heavier. I cannot see how it is possible to do anything else. And, one must determine it with the machine that Nature gave him, and with such experiences as life has thrust upon him. I can see no chance for him to do any other way.

Let me see how much chance we have. Now, my friend says that my doctrine is inconsistent with much of my life. Well, probably that is true, or apparently true. I probably do have a sensitive "fool" nervous system that makes me laugh and cry. I cannot help putting myself into the place of other people, if they get close enough to me so I listen to their troubles. Of course, I try to keep them away for the most part, because I know myself fairly well. Why do I do it? Isn't it plain? How much free will is there in any of us?



I know I have undertaken many things that I did not want to do; many things that gave no pleasure. In that instance I would weigh up the pain I would get in doing them against the pain I would suffer by not doing them. For instance, I am getting along in years, and, naturally, I have had a good deal of experience with dentists. Now, I never went to a dentist's office for pleasure. I know I am going to get a pain that begins sometime before and lasts for a while after I go. Why then do I go? I measure up the pain and discomfort the dentist will give me with the pain and discomfort I will have to endure if I stay away, and I choose the lesser evil, or at least I think I do. I may be mistaken, at that.

Is it an exercise of free will? With me, it is a necessity. So, I fancy it is with everybody. That is one reason why I never mean to judge people. Perhaps I do. If I do, I do not stand by my philosophy. Now, my friend says I am inconsistent in that I may take a person's case out of pure sympathy; true, I do, sometimes. But, is there anything inconsistent in it? Not at all. I do it because it hurts me if I do not. I do it, if not to get pleasure, to avoid pain, for myself.

Now, to get back to the jury, and I will follow it further; I try to convince a jury that they ought to do so and so. I say the jury has no more free will about it than I have. I could not help doing it. I cannot help giving them the reasons for doing what I think they ought to do. And, after they get the

reasons sometimes they cannot help acting. I have seen them try awfully hard not to do it. There is no mystery about it at all.

Is there a single step anywhere in the process where there is any chance for what is generally called free will? Just try yourself once in a while. Watch people on the street. Stop a few minutes some day when there is a one-legged beggar taking up a collection. He appeals to the same emotional side of you as he does to everyone else. Everybody who passes sees the same thing. Some people give him something and some do not. What is the difference? Sometimes you give him something and sometimes you do not. Why? Is there ever a time when there is not a reason? Sometimes you will pass him and come back. Why do you come back? Because you cannot get the fellow out of your mind; he bothers you. When you come back you can forget him. Is there anything else in it? Is there a chance for anything else being in it? You come back and give him a coin for exactly the same reason that I go to the dentist's; you get less pain by giving up the money than if you didn't do it, and had him on your mind all the rest of the day. You do not give to relieve the beggar; you give to relieve yourself. If giving will not relieve you, then you will not give. That is the universal experience; everybody can see it every day on the streets. You may go by one day, and give another day. Why? Is there a reason for it? Well, one reason might be that you did not have the money. Another reason might be that you had seen the

fellow before, and you thought it had come to be a habit with him. Another one might be, you had seen some others like him before; and another, that you were saving up your money to buy a Ford. There is a reason, anyway. Nobody can act without one. That does not mean that one acts through intellectual processes, but it means one balances up in one's mind the things that move one in one direction against the things that move the other way, and then acts according to the strongest urge.

I am glad to see in the talk of my able opponent here, that slowly the old idea of free will is getting out of the minds of the people who have minds. I am glad they are learning to see how far everybody is a creature of circumstances, and in the hand of what I might call "Fate." One need do nothing more than to examine oneself to know it: that is enough. Nobody can look over his own life and not understand why one wants this thing and that thing at the different cross-roads that mark one's path. All any one needs to do in judging others kindly is to use the same reasons in judging them as he uses in judging himself.

If man has anything that approaches free will then he stands alone in the universe. None would contend that the plants in their endless course go and come as they please. No one would contend that animal life below man has to any degree freedom of will or of choice. If man has anything else in him, he must be

different from all the rest of the universe. Science and life, and what we know of things as they are, show that man is subject to all the laws and all the rules of control that govern everything else in the universe.

### DR. SMITH'S SECOND ADDRESS

The generosity with which Mr. Darrow began his refutation of my speech led me to think that he was going to agree with everything that I had said. Mr. Darrow is very cunning and has made a generous gesture of agreement. But, on the whole, he did not give nearly as much as I wish he had given and as some of you thought he was giving me. He is thrifty; and if he does not succeed, after all through his slow, careful, challenging periods in pounding home with sledgehammer blows the overwhelming atmosphere of the cosmic order, he certainly does succeed in dampening human hopes. He makes his point not so much by over-emphasizing the complexity of the world as by under-estimating the complexity of the human individual.

Indeed, Mr. Darrow's individual, as revealed in his speech, reminds me very much of the small school boy's composition on man. "Man is divided into three parts, the head, the chest, and the stomach. The head is composed of the eyes, ears, nose, mouth, and brains—if any. The chest contains the lights, lungs, and liver. The stomach is devoted entirely to the bowels, of which there are five, viz., a, e, i, o, u, and sometimes w and y."

Mr. Darrow describes the human individual as one would describe a Ford car. Here it is. All ready. Pour gas into it, put oil into it, turn on the spark, and away you go! Mr. Ford, himself, has had some experience in treating men as if they were Ford cars, but somehow or other, because of a divine or devilish discontent in human beings, they do not respond best to such treatment. To think in terms of a simple mechanism is entirely to over-simplify the human being.

I am sure of that for this very concrete reason. If the human individual, sensitive as he is to so many agencies, did not from the very beginning select from this highly complex world the stimuli to which he responds, he would tear himself to pieces by jumping every way at once. At any moment we can respond to the smallest fraction of the innumerable stimulations that beat against the doors of our senses. You are not at this moment listening to anything except me, I hope. And yet there are in this theater noises enough to drive you to distraction if you should pay attention to them. Such selection on the part of the organism from its very birth is absolutely necessary if we are to live at all. This organic life becomes a participator in the environment: and this participation increases as protoplasmic sensitivity gives way to the selectivity of higher forms, and this grows to attention, and attention flowers at last into human purpose.

What is the principle underneath this entire

process? Well, it comes finally—I am quite as frank and as certain about this as is Mr. Darrow—it gets back to the matter of interest, of desire. I take no exception, though some of you did, to Mr. Darrow's emphasis upon desire—plain wants as over against imposing intellect. But don't you ever be fooled by Clarence Darrow's talk of this sort into believing that he deprecates the human intellect. When a man has made a career for himself against a reluctant social as well as physical environment, he has used his brains. Clarence Darrow has used brains constantly and effectively: and few men indeed are more completely sold than he upon the all-importance of the intellectual enterprise. Mr. Darrow from of old has gone over the land preaching against superstition; and I think we all owe him a debt of gratitude for his latest willing defense of science against honest sentimentalism. I hope we may never lack a Darrow for each new Bryan that arises.

When, therefore, Mr. Darrow seems to belittle intelligence, as he so recently did in discussing juries, we are to understand that he means that intelligence has no *independent* function. Properly understood, I agree with him that intelligence has no other function than to harmonize human wants and desires and to see that they get satisfaction. But that is a pretty big job when you stop to think about it; and Mr. Darrow showed as clearly as I could myself in his discussion of the dentist, for instance, how intelligence functions to control the individual's conduct so as to fill life



with as much pleasure and as little pain as possible. Mr. Darrow was inclined to make slight fun over my definition of freedom. But the man who can do what he wants to do is so much more free than the man who cannot that I am inclined to think it the part of wisdom to emphasize this attainable freedom rather than to mourn over some impossible freedom that lies back of desires.

The case for self-control seems to me also fairly well made out, unless Mr. Darrow has something else to say regarding it. I admit that we control ourselves in keeping with our wishes. But, pray tell me, what other sort of control would we want? If we were God and making a world ourselves, what would we want? Would we want to make ourselves such creatures as would not want to do what we most wanted to do? Wants remain the boundary of our personality as skin does of our body; and to try to avoid the one is as ridiculous as to try to jump out of the other. What puzzles me most about Mr. Darrow's address this afternoon and about his whole philosophy is that he is constantly inclined, after outlining in general the place of desire in human life and the function of reason in connection therewith, then to go on complaining as though somehow he was simply the victim of circumstances—even when the circumstances are what he wants. Verily, the pessimist is a man who, when confronted with a choice between two evils, takes both!

Somewhat solicitous over Mr. Darrow, I

have psycho-analyzed his case in this fashion. I think that he early got an over-dose of some indigestible type of religion. He dreamed of some lofty goal for human hope, of some elysium well outside our world, of some heaven in which we should attain everlasting bliss. When he arrived at intellectual maturity and saw this dream flee into oblivion with other dear but dead illusions, he suffered some emotional trauma from which he has never wholly recovered. Disgruntled over missing heaven, he has been raising hell on earth ever since!

### MR. DARROW'S LAST SPEECH

Mr. Smith said that I compared man with the Ford car. I did not mean to; I have nothing against the Ford car.

I happened to be in the country one summer where we had an electric pump. We had to use it to get dinner or a bath, if we wanted it. but every time we wanted to use it the thing would not work. When we did not, it would work all right. According to my light, that was the greatest example of free will I have ever seen. Somebody who understood electricity might have known why it would or would not run, and somebody who understands the principles of human conduct might know why man acts as he does.

What is this discussion about, anyway? My friend says we have a certain freedom to do what we want to do. This ought to be a discussion then as to whether a person has free-

dom to want to do something. Where does the desire come from? It comes from the constitution of the body and from the experiences in life, doesn't it? There is nowhere else to get it. It is wished on us. That goes to make up our desires. Now, that makes our desire, and then we have the freedom to do what we desire. I want to get my dinner when I am hungry. I have the freedom to get it because I want it, and I do get my dinner if I am where there is anything to eat. That is true. I am thirsty, and I want a drink, I have the freedom to get a drink if I can find anything. I have no control of my desire. That comes from something else. What you mean by freedom is the power to get it if you want it, and can get it. That is all it means. If I desire something and desire it strongly, I may try to get it. I may know how impossible it is and not waste energy on trying, but take some lesser desire that I might possibly be able to fulfil.

This is what Dr. Smith seems to mean; if I am in jail, and am weary, I may want to sleep. I find a cot and lie down and sleep. I do as I wish for there is nothing else to do. What I really wish is to get out of jail. Because we do as we wish it does not follow that we control ourselves. It needs no control to do as we wish. The act automatically follows the wish.

I wonder which one of us will win this debate? Have any of you got a clear idea of how much of your conduct you can control? What is it that you can control? You can con-

trol yourself to do something that you want to do, if you can do it. Of course, an orthodox friend would say that was just the lack of controlling yourself because you never should do anything that you want to do because you could not go to heaven then. Dr. Smith found some fault with my statement of cause and effect, and perhaps he is right about it. We perhaps use these words rather carelessly. If there is a cause for what I do now, of course it follows logically that there was a cause for the cause, and a cause for that cause, and so on to the end—if there is an end—and there is no man who can follow it back to the end.

Is there any such thing as a cause? It seems to me perfectly plain that there is a sequence of events everywhere in life, and after one thing happens then another happens. It does not always follow that the events are in the direct relation of cause and effect, but usually they are so nearly so that we may call them cause and effect.

If I take hold of a wheelbarrow, which is standing perfectly still and behaving itself, and push it, it is perfectly plain that I am the immediate cause of the wheelbarrow moving. There are many things not so plain as that, but all of life and all of everything, so far as I know it, is a sequence of one thing following another thing in such a relation that it substantially amounts to cause and effect, if one can find the exact moving thing.

We suppose we had such a thing as free will? Suppose it was a universe of free will?

Suppose there was no room for anything which—for lack of a better world—we call “law,” then, what kind of a universe would we have? No one could be in the least sure of another’s conduct.

My friend said that wisdom is an advantage, for it allows you to tell what you would do twenty years from now. How can you tell what you will do twenty years from now? No matter how much wisdom you might have, would it be possible to tell; except that you could foresee the events and sequences that would cause you to do special things?

If you believe in free will there is no chance to prophesy anything. If there was free will in the physical world and one sowed wheat it might take a notion to grow down to China instead of growing up! If there was free will, human beings would not know how one single motive would affect another. It would not be worth while to talk to them; they would not be influenced by talk. It would not be worth while to teach them; it would not change their conduct. After all, they would do as they pleased before they got through with it.

The whole world and all of life is built upon the theory of cause and effect, and ruled on the theory of mechanism, which only means this: That, so far as we can get at it, man is made of the same stuff as all of the rest of the universe. He has a somewhat different structure; but he acts and reacts according to stimuli; the stimuli outside of him, and the stimuli that become part of him from his ex-

periences in life. There is nothing that exists without a cause, and there is nothing done without motive, and, therefore, you can, to a certain extent, bet on what will happen in the future, otherwise you could not even guess. Which is the most logical thing? And, after all, it is one of the subjects which, perhaps, is very difficult to prove. You may prove it in your own life as to why you did this and why you did that. Do any of you do anything without a cause? If you are a Christian would you be a Christian if you had been born in Turkey? If you are a Republican, would you have been that had you been born in Texas, or had intelligent parents, or anything like that? If you are a Methodist, how did that happen? If you are a Presbyterian, how did that happen? Did you do it yourself? No one in his own life ever explained himself in that way. Everyone gives a reason for his conduct. Everybody can show, probably, a number of things that caused them to do the things they have done. They may not show exactly, and they may not know exactly. But we know that there is no such thing as chance, unless it is the first great chance and of this we are too ignorant to know.

We never speak or think of freedom excepting as related to man, and, granting freedom, all animals and plants do as they wish and are the result of the wish.

I think that in the last analysis this question gets down to this proposition: Is it a monistic world? Is it one substance? Is it



one force operating on all things? I fancy nobody would pretend that in the physical world, outside of man, there is any such thing as choice. The earth has gone around the sun, so far as I know, forever and ever, and keeps on acting without any reason, so far as I can discover. We are informed that man does something to control the environment, and we are told that the environment does much to control him; Man, like everything else, is born out of the environment and is a product of it, and until the time came that man could be born out of the environment there was no such thing as man. We are part of all of it. There is not a single thing in any part of the human being that we know anything about that you cannot buy at the drug-store. There is not a thing on the earth, so far as we know, that is not found in the farthest planet that we can analyze. There is not a single thing in one form of animal life that is not in another. There is not a single thing in organic matter that is not in inorganic matter. So far as we can understand the universe, those various manifestations include human life; it is one thing and operates in the same way, in an endless succession of events under the relation of cause and effect, and if one believed in free will that belief would upset the scientific theory of the universe for him.

#### DR. SMITH'S CLOSING SPEECH

I think the question as to who won this debate can easily be answered. Mr. Darrow and

I have both won it against an absent opponent—the believer in free will! Mr. Darrow, of course, knows perfectly well that I do not believe in free will. He has not said that I did; but he has levied sledge-hammer blows against the doctrine of free will. So be it.

There is one error I should like to correct, and that is Mr. Darrow's use of the conception "law" as that term is used by science in speaking of the law of causation. Mr. Darrow seems to think that because law governs everything, everything, including human desire, is forced to be what it is. That is a very interesting and very natural error; for it is to understand the term like a lawyer rather than like a scientist. The lawyer means by "law" something laid down as a rule that must be obeyed on pains of punishment. In the last analysis coercion lies back of every human law. But the term "law" as used by science is wholly divorced from the notion of regulation. It does not say what ought to be done or must be done. It is merely and purely a description of how things have actually been acting. The scientist simply observes that bodies attract each other in a certain way; he describes the way; and, lo, we have the law of gravitation. If tomorrow Nature acts in a different way, then we shall describe that, and have another law of gravitation as good as the other one! The fact, then, that human conduct is surrounded by what the scientist calls law, far from taking away human freedom simply means that however we act, our actions will be described truly, and that description called a law. This

distinction could save all of us a lot of trouble if we kept it in mind. Mr. Darrow thinks it a law of our being that we choose in keeping with the strongest desire. So it is; but, in the light of our distinction, this means not that we are forced so to choose but that we so act because it is pleasant, because we want so to act. Instead of this being compulsion, as Mr. Darrow seems to feel, it is the simplest and soundest conception of freedom that one can find.

Where does this want come from? Who cares! Yes, it comes out of environment, it comes out of heredity. But let us see clearly that in answering Mr. Darrow's question as to where desire comes from, we are really answering the question as to where the individual comes from; for the individual is not one thing dominated by desire as something alien; but the individual is precisely the organization of the desires we loosely call his. In realizing his desires he does not lose, but actually gains, his freedom.

Even if then it be true, with Bertrand Russell, that "man is the product of causes that had no prevision of the end they were achieving; that his origin, his growth, his hopes and fears, his loves and his beliefs are but the outcome of accidental collocations of atoms; that no fire, no heroism, no intensity of thought and feeling can preserve an individual life beyond the grave; that all the labor of the ages, all the devotion, all the noonday brightness of human genius are destined to extinction in the vast death of the solar system; and

that the whole Temple of man's achievement must inevitably be buried beneath the debris of a universe in ruins"—even so man remains free during his little day if he can but follow the settled whims of his own heart. This he can do if he live at peace with his fellows and achieve an intelligent grasp of the causal order of which he is part.

I have been urging upon Mr. Darrow and his disciples that the part of wisdom is to leave off crying for the moon and cultivate in quiet gladness the little spot of freedom that lies at hand. I have even offered, almost without a "thank you" in return, to this fatalist and mechanist who goes about the world defending individual liberty, a simple mechanism whereby he can control his own conduct and thus enlarge his freedom. A man with a vocabulary as large and as lurid as that of my beloved opponent has closer than his heart a multiplex stimulus that will give him controlled power as great as his heart desires. With all these resources at hand, his minor key should turn to a pean of joy until in quiet dignity he goes below to bank his fires for the eternal night. In the light of all these disclosed resources, I prefer to close this debate upon a note struck long ago by Socrates. That we shall be better and braver and less helpless if we think that we can control our conduct than we should be if we engaged in the idle fancy that there is no self-control and no use in seeking to achieve it—that is a theme upon which I am ready to fight in word and deed to the utmost of my power!

## A DAY WITH CLARENCE DARROW

*By John W. Gunn*

Clarence Darrow is a big, slow-moving, slow-talking, quick-thinking man: physically rugged and calm, mentally quick and sure and simple. He has a face that is thoughtful, that is marked with much living, without being old or commonly wrinkled—a face of strong, pleasant lines, the crag of a forehead overlooking the placid valley of a face: the aspect and the manner of a man who has traveled the ways of life with the bearing of a philosopher and who, spite of rough roads and sharp corners, still sits straight and looks with a level eye upon the world. A cynic, is Darrow, who does not fit the ordinary (and usually quite false) picture: a cynic with a warm heart, an easy and friendly demeanor, a sense of humor that bubbles like a mountain spring and that, with a Voltairean destructiveness toward sham, is refreshing always: a cheerful cynic (realist is a less alarming term) whose cynicism leads to understanding, toleration and humor. He is apparently tireless, too: after a long day's auto ride, interspersed with several visits, and filled with talk that was incessant and that ranged over many subjects, Darrow showed no hint of being tired. As E. H.-J. remarked to me, Darrow, unlike many celebrities, enjoys meeting people—enjoys talking—enjoys life, in a word.

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\*From the *Haldeman-Julius Monthly*, July, 1925.

and is stimulated by contacts of thought and human nature. People do not bore him; ideas do not tire him. One reflects that Darrow knows how to combine rest and activity—that, while expending himself, he is constantly renewing himself. It is clear at a glance that Darrow is a young man at sixty-eight: young in body and young (without the support of pretty illusions) in mind.

It was a day of talk, with many glimpses into Darrow's philosophy of life. He had lectured in Kansas City the day before on the subject of crime, discussing it not simply as the greatest criminal lawyer in the world (who, in the Loeb-Leopold case, rounded out a career of forty-one years by winning the greatest criminal trial of history) but as a thinker with a rare scientific attitude of mind. He holds that it is useless to punish the criminal, and that men generally do so with no better object than revenge. Crime is a product of heredity and environment, and these are the conditions we must study, and with which we must deal if we expect results that will be really helpful—to society and to the criminal. Stupidly enough, Darrow has been regarded as one who would ignore the problems of crime and let criminals run free: rather, being an intelligent man and having observed crime and criminals closely throughout a long life, he knows that "an eye for an eye and a tooth for a tooth" is a rule that saves very few if any eyes and teeth: he believes that, in an age of science, man should adopt scientific methods of treating crime. The criminal should indeed be "treated."



Crime, like disease, should be studied with the object of prevention or cure. The rub, however, is that Darrow has sympathy for criminals; he regards them as human beings, not necessarily of "criminal tendency"—a loose, unscientific term—who have had a bad start of heredity and a bad chance of environment. Darrow would say that a man has a "weak" rather than a "criminal" tendency; and this weakness may lead to other things than crime. The fact that he is *anti-crime* rather than *anti-criminal* is what the quack anti-criminal school of pure-and-simple punishers cannot forgive in Clarence Darrow.

As he views crime, so, broadly speaking, does Clarence Darrow view life: sympathetically, candidly, realistically: convinced that reason with a sound basis in experience is our only guide: and always, in every thought and phrase, revealing the spirit of one who asks, who seeks, who thinks rather than one who positively knows. ("The more intelligent we become, the more we realize how ignorant we are," says Darrow. "Folly dogmatizes; wisdom doubts. The method of mental progress is a more careful examination, and a whittling down—often a blowing up—of beliefs.") Seated between E. H.-J. and myself, this steady bulk of a man, with a quiet voice as even as the humming of the motor, talked as E. H.-J. drove us through a rolling Kansas landscape to the little city of Lawrence, where is situated the State University. The talk began with reflections upon that endless and interesting and amusing subject: Bunk. (Darrow likes the word "bunk,"

characteristically Darrowian in its directness, and he uses it freely. He likes simple words, simple illustrations, simple thoughts that lie close to the surface of reality. He has the simplicity of a philosopher, and an elaborate theory or string of phrases does not impose upon his mind. He knows that what is called profundity is often reached by jumping over the evidence plainly before one into the field of speculation.)

Bunk suggests religion. Darrow spoke of his good fortune in having been raised in a free-thinking atmosphere. His father and mother were skeptics. "My parents didn't teach me to believe in religion," he said with a laugh. "When I grew up, I showed them how to disbelieve in religion more thoroughly." Speaking of the deathbed recantations that are charged to skeptics, he said: "They are lies, of course—certainly the more popular tales, about Voltaire, Paine and Ingersoll. But suppose they were true. They would prove nothing. A belief that is wrung from a dying man by the fear of hell is no more valid than a confession extorted by the third degree nor a title to property that is obtained at the point of a gun. An opinion that is not free is worthless. I can understand how a man who has been doped with religion in early life, and who gets it out of his system, may revert on his deathbed to this carefully implanted fear. Never having had any such fear, or any such belief, I am pretty certain that I shall go bunkless to the grave—though I may not escape the lies."

Immortality? It is the last thing men cling

to—as a vague hope or a kind of pathetic faith—when they have discarded the impediments of superstition. “Sometimes I am asked,” Darrow smilingly observed, “if I’d like to believe in immortality. What a foolish question! We’d all like to believe in it. But there simply is no evidence for it. You have to be able to fool yourself—and some of us can’t do that, or don’t think it’s worth while. It’s not as if we were pulling away from belief or shutting our eyes to the evidence. The tendency is toward belief, if possible. But—if wishes were horses, beggars could ride.”

“They say that the desire for immortality proves it to be true.”

“It proves simply that a man who has a thing that seems good to him wants to keep it. A man who acquires wealth, wants to keep it. A healthy man doesn’t want to be ill. Politicians who are in office want to stay there. Some persons, fascinated by the history of the past, wish they had lived in some other age—before Christianity, let us say. These desires are idle. Things are not proved true merely by wishing them. And it’s not eternal life in heaven that people wish. They wish just life—the continuance of the kind of life they know—life of the earth earthy. It’s no fun to think of being a spirit for eternity. We can only think of ourselves as we are now.”

A reminder of the familiar sophistry that one can’t prove a man is dead when he has breathed his last, any more than one can prove the theory of another life, brought a chuckle from Darrow.

"You can prove it if you can prove anything. Throw a cat into a furnace, and dump the remains into the ashcan, and nobody thinks of denying that the cat is dead. Shoot a horse, and let its carcass putrefy, and the vultures pick its bones bare, and men will admit that the horse is dead. The fiction of the soul, invented by priests, is applied only to man—in the past it was not even admitted as to woman. Yet a dead man, by every rule of rational evidence, is exactly like any other animal that once breathed and now is a heap of dust. It is the egotism of man that inspires his belief in the soul. And perhaps, if we but knew, a horse thinks that *it* is immortal. No—if you write something on a slate, and then rub it off, it is foolish to say you can't prove the writing has been destroyed."

A cynic, of course—a man whose words are destructive of deluded hope—and a man who happens to be truthful. And, by the way, Darrow can't abide the words, "destructive" and "constructive." They are silly words, he avows; they mean nothing; they are used to confuse thought, to obscure truth. It is delightful to hear Darrow, with a trace of emphasis not habitual with him, enunciate with droll scorn: "*Destructive! Constructive!*" His very mention of the words annihilates them. Darrow wants to be free to think in any direction that interests him, without running into a sign: "Think in the Other Direction—Be Constructive." An idea is reasonably true or false—interesting or not—agreeing with or opposing itself to the evidence: and it is in this wise

that a man of sense naturally examines the ideas of other men. There are many things in the world, including ideas, that should be destroyed. There is many a pile of bunk that should never have been constructed.

"The other day a friend came into my office in Chicago," said Darrow, "and he referred to some idea as not being constructive. I asked him if, when a man dug the weeds out of his corn, he should hasten to plant them again in his potato patch. And if a man has a headache, he simply asks the doctor to cure it—and doesn't bother him with the question of what he will 'put in its place.' A clear head is sufficient. And sound thinking, a seeking after truth, is the best we can ask intellectually."

E. H.-J. referred to the classic argument of the watch, that has dismayed many a doughty skeptic: it is argued that, if a savage came upon a watch lying in the wilderness, he would instantly realize that such a wonderful mechanism must have had a maker: ergo, we know that the Universe is the work of a mightily intelligent, ingenious Creator.

"The argument won't bear analysis. Those who have accepted it have failed to look closely at the premise. They have been too ready to admit that this hypothetical savage would wonder at the watch in a special way—that he would realize the intricacy and delicacy of this mechanism. The truth seems to me that a savage, finding a watch lying on a rock—and having seen neither object—would be no more impressed by the one than by the other. The

question of a maker wouldn't enter his head. He wouldn't ponder how watch or rock came to be. His first thought, if any, would be what he could use them for."

I asked what he thought of the notion that intolerance is an indifferent issue today—that the fight for freedom of belief was won long ago, substantially in Voltaire's day—that it is idle to raise the cry of "Toleration" when men can no longer burn, imprison or otherwise punish their fellows because of a difference in articles of faith.

"How do you know they can't?" came the deliberate, slow query. "They don't. Why not? Simply because they don't want to—the question of religious belief is not important in this day, not important as it was in the Middle Ages or in the days of heresy hunting and blue laws in New England. Of course, people are religious, or think they are. The Church and Puritanism rule the thought of the country. Intellectually, dogmatism is in the saddle. And there are groups of fanatics who would, if they had the power, go any length to compel the unbeliever—or crucify him. Society as a whole, however, does not bother sufficiently about the religious question to be in a killing or mobbing mood. Other questions are to the fore; and when you touch these questions, you find that intolerance—the physical side of it—is with us still. For example, property interests will agitate men today more quickly and deeply than all else. The man who attacks a property interest, even through the propaganda of an idea,



is not safe. He may be punished: even the propertyless mob may be incited to violence against him: and all this, on occasion, without regard for law. A law on the statute books does not guarantee safety. A law that does not conform to the customs, to the prejudices, of the people is practically a dead letter. If the medieval fanaticism on the subject of religion were to be suddenly and widely aroused, you would discover that laws for toleration would be a slender protection for heretics. . . . Take the race question, and you again observe the actual, horrible workings of intolerance. And patriotism—what outrages, proofs of the possibility of illegal intolerance, were committed in 'free America' within our recent memory! . . . 'Free America!' America doesn't know the meaning of liberty. Its ideal of liberty is the rule of the stupid majority and, one way or another, intolerance for the man who differs. . . . It is a fallacy to assume that only the violent type of intolerance should disturb the thoughtful man. We want life to be free. We want it to be civilized. We want ideas to be assured a decent hearing. We cannot be foolishly indifferent to what the mob thinks. We can never trust the mob until we destroy it by making it intelligent. Intolerance—mental intolerance, carrying no visible rope, and within the law—upholds today many evils that are not only painful for the sensitive man to behold but that are physically painful for many to endure who cannot escape them. We cannot have a peaceable, safe, happy world without free thought. I mean free thought

in all relations of life, a willingness to listen to the thinker, and the spirit of approaching things with reason. I realize perfectly well that I am talking now of the idea; and I am not so optimistic as to expect it the day after tomorrow—perhaps such a condition will never arrive: very probably, so far as we can see, it will not. And yet it is and that every blow in behalf of toleration, in behalf of liberty, should be regarded as necessary. After all, I am just enough of a cynic to believe that it will be a long time before any such blow will prove useless and a waste of energy. . . .”

Freedom is a favorite word with Darrow. It is what he believes in first and last and continually. I could not fail to note, and to me it was very significant, that when he wished to express a favorable opinion of some one, he would begin by saying, “He is for freedom.” And by freedom he implies the widest kind of construction the word will bear. He does not mean that travesty, that hoax, that bastard of an idea—freedom to think as he thinks or do as he does or like what he likes. I recall an excellent aphorism of Mencken’s, that freedom means the toleration of any action or idea that is at all consistent with the notion of a habitable world. Such is the conception of freedom that is vital to Clarence Darrow, and for which he is always speaking with a full breath of courage. . . . Another feature of the Darrowian vocabulary is a dislike of the word “guilty.” The word is meaningless to Darrow. It connotes a thought of blame that he is not willing to pronounce upon

any man. Speaking of this case or that, he would say: "The man did it—whether 'guilty' or not, I don't know." Even Darrow, a lifelong student of crime, feels that he is never fully informed about the circumstances back of a man's deeds no less true that we must strike out for what we believe to be true, and therefore judgment—that commonest of vanities—is an attitude he abjures.

. . . Swinging again to religion, E. H.-J. remarked upon the hoary notion, so popular in the "great open spaces" of stuffy old-fashioned theology, that one should "play safe" by professing a belief in religion—of course (but why "of course"?) in Christianity. There may be another life, we are told: if so, the skeptic is the loser: on the other hand, if there is no life after death, the believer will be no deader than the skeptic—and he has, whatever befalls, insurance against damnation.

The devil entered Darrow—that is to say, a smile crinkled the cynic's eyelids ("People swear you're up to something devilish if you smile," says he), and he reflected with an effort, as it were mockingly, of profound thought.

"Now just suppose—this is all supposition anyway—that somebody—were to come along and invent something worse than hell: say we were told that we should be run through a sausage grinder for all eternity. Then, according to the 'play safe' theory, we'd have to join that religion too. Again, I am bound justly to ask myself: Can I trust God? And I say, I wouldn't put an ounce of faith in the promise

of a God who threatens to burn me in a hell if I refuse to believe in him. . . . The least any man can reasonably do, if he is going to take out a fire insurance policy, is to inquire what kind of a company he is dealing with. And he ought to demand a mighty good, sound policy. God's word isn't enough—not for me. If God will write a policy and the Devil will guarantee it, maybe I'll consider it. . . .”

Then came another question—a flying leap of speculation to the other end of the Unknown:

“Just how important is Heaven? Christians pretend to stress it above all earthly things. They depend upon it for their chance of eternal bliss. Yet what do they know about it? and what sensible, detailed inquiries do they make concerning it? If a man planned to spend the rest of his life in Kalamazoo—say, a little matter of twenty years—it is only natural that he'd want to know something definite about it. He'd ascertain the kind of people he was to live among: what the climate might be: how the people supported their existence, what were their habits, what kind of laws they were required to obey: and, first of all, he'd want to know in what direction Kalamazoo lay—whether north or south, up or down. Now, we observe a curious thing: that Christians, who declare a hope—even a firm intention—of spending eternity in heaven, know nothing about it and do not try very diligently and carefully to find out about it. They bank on heaven with the assurance of the slightest and

vaguest kind of evidence—no evidence really, and no direct unimpeachable testimony. They don't know where it lies—what it resembles—what sort of life it holds for them. They hear a fairy tale about it—and the rest is sheer, blind credulity. As I say, I'd like to believe in immortality—I'd like to believe in the right kind of a heaven—but I'd want to investigate it more carefully, and I'd be far more curious about it, than Christians. . . .”

Now Clarence Darrow—lawyer, criminologist, philosopher, artist—drops his hammer, well padded with humor. Slowly he crumbles a piece of toast (we are at lunch) that he has ordered and has not eaten. He is for a moment reminiscent about the law, which he has abandoned to write his philosophy of life, in the ways that are simple to his charmingly versatile and vivacious pen. He tells a story of subtle humor:

“A woman brought me the case of her son, thirteen years old, who was charged with rape: a foolish case. I saved the boy from the blindness and brutality of the law, and told the mother that she owed me nothing. She asked if there was anything in the world she could do for me. ‘Nothing,’ I replied, ‘but you can just pass the favor along. Do something for somebody else, when you have the chance.’ I had forgotten the incident when, about a year later, the woman appeared in my office. She reminded me what I had told her—about helping somebody else. Now, she informed me with an air of homely benevolence; the oppor-

tunity had come. A boy was in trouble over at the jail, and friendless and penniless, and she was bringing his case to my attention. If I helped the boy, she would feel that she had repaid her debt of kindness to me. . . . I meditated, recalling the old adage, that bread cast upon the waters will return. . . ."



